

**ORDINANCE NO. 2025-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING APPROXIMATELY 17 ACRES, BEING OUT OF THE FREIHEIT 2 SUBDIVISION, BLOCK 4, LOTS 2, 3, AND 4, ADDRESSED AT 622 S KOWALD LN, FROM R-2 AH (SINGLE FAMILY AND TWO FAMILY WITH AIRPORT HAZARD OVERLAY DISTRICT) TO MU-B AH SUP (HIGH INTENSITY MIXED USE WITH AIRPORT HAZARD OVERLAY DISTRICT WITH A SPECIAL USE PERMIT TO ALLOW INDUSTRIAL AND COMMERCIAL USES); REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.**

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**WHEREAS**, the City Council of the City of New Braunfels has complied with all requirements of notice of public hearing as required by the Zoning Ordinance of the City of New Braunfels; and

**WHEREAS**, in keeping with the spirit and objectives of the MU-B (High Intensity Mixed Use District), the City Council has given due consideration to all components of said district; and

**WHEREAS**, the rezoning is in compliance with the Future Land Use Plan; and

**WHEREAS**, it is the intent of the City Council to provide harmony between existing zoning districts and proposed land uses; and

**WHEREAS**, the City Council desires to amend the Zoning Map by changing the zoning of approximately 17 acres being out of the Freiheit 2 Subdivision, Block 4, Lots 2, 3, and 4, addressed at 622 S Kowald Ln from from R-2 AH (Single Family and Two-Family with Airport Hazard Overlay District) to MU-B AH SUP (High-Intensity Mixed Use with Airport Hazard Overlay District with a Special Use Permit to allow Industrial and Commercial Uses); and

**WHEREAS**, in keeping with the spirit and objectives of a Special Use Permit, the City Council has given due consideration to all components of said permit; and

**WHEREAS**, the City recognizes that granting such a permit is possible while promoting the health, safety and general welfare of the public, by providing harmony between existing zoning districts and land uses; and

**WHEREAS**, it is the intent of the City to ensure for the health, safety and general welfare of the public by providing compatible and orderly development, which may be suitable only in certain locations in a zoning district through the implementation of a Special Use Permit meeting those requirements cited in Sections 3.6-2 and 3.6-3, Chapter 144 of the New Braunfels Code of Ordinances; and

**WHEREAS**, the property is located in an area suitable for Industrial and Commercial uses; and

**WHEREAS**, the requested rezoning is in accordance with Envision New Braunfels, the City's Comprehensive Plan; and

**WHEREAS**, the requested rezoning is in accordance with the City's Strategic Plan; and

**WHEREAS**, the City Council desires to grant a Special Use Permit at 622 S Kowald, to allow Industrial and Commercial Uses in the MU-B (High Intensity Mixed Use District); **now, therefore**;

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:**

### **SECTION 1**

**THAT** pursuant to Section 1.2-3, Chapter 144 of the New Braunfels Code of Ordinances, the Zoning Map of the City of New Braunfels is revised by rezoning the following tract of land from R-2 AH (Single Family and Two-Family with Airport Hazard Overlay District) to MU-B AH SUP (High-Intensity Mixed Use with Airport Hazard Overlay District with a Special Use Permit to allow Industrial and Commercial Uses) herein described:

Approximately 17 acres, being out of the Freiheit 2 Subdivision, Block 4, Lots 2, 3, and 4, as delineated on Exhibit "A" and described in Exhibit "B", attached.

### **SECTION 2**

**THAT** the Special Use Permit be subject to the following additional conditions:

1. The following uses will not be allowed within the development:

- Bed and breakfast inn (see section 144-5.6),
- Boardinghouse/lodging house,
- Community home (see definition),
- Dormitory (in which individual rooms are for rental),
- Airport,
- Amphitheater,
- Assembly/exhibition hall or areas.
- Athletic fields,
- Auto muffler shop (see section 144-5.11),
- Bingo facility,
- Broadcast station (with tower) (see section 144-5.6).
- Bus barns or lots,
- Bus passenger stations,
- Car wash (self-service; automated),
- Car wash, full service (detail shop),
- Cemetery and/or mausoleum,
- Country club (private),
- Dance hall/dancing facility (see section 144-5.13),

- Day camp,
- Driving range,
- Golf course (public or private),
- Limousine/taxi service,
- Multifamily (apartments/condominiums),
- Outside storage (as primary use),
- Rodeo grounds.
- RV park,
- Shooting gallery-Indoor (see section 144-5.13).
- Vehicle Storage Facility (VSF)

2. The project will adhere to the following standards to ensure compatibility with the surrounding area:

- Minimum residential setback of 25 ft (existing code requirement is 20 ft) with one of the following required:
  1. A landscape buffer and a six-foot tall (minimum) to eight-foot tall (maximum) solid screen residential buffer wall constructed of any of the following materials: brick, stone, cast stone, rock, marble, granite, split-face concrete block, poured-in place concrete, or precast concrete.
    - a. The landscape buffer must consist of at least one tree per 25 linear feet of property, or part thereof, a minimum one and one-half inches (1½") in diameter, shall be planted along the common property line of any single-family or two-family property. Shade trees must be used, unless under the canopy of an existing preserved tree, or near utility lines where ornamental trees must be used, as required in subsection 144-5.3-1(b)(6)(ii). All new trees shall be provided with a permeable surface of 60 square feet per tree under the drip line. All planting areas shall be a minimum of five feet in width. Existing trees can be credited toward meeting the residential buffer requirement, per subsection 144-5.3-1(b)(6)(v), so long as the location and number of required trees is satisfied, or alternate compliance is demonstrated.
  2. The construction of a detention or drainage facility designed and maintained as a landscaped feature. Detention facilities may encroach into the required 25-foot setback but must be at least 50 feet in width, screened, and provide for a landscape buffer.
    - a. Where a detention or drainage facility is adjacent to a single-family or two-family property, at least one tree per 40 linear feet of property, shall be planted along the common property line of the single-family or two-family property. All landscaping, including trees, shrubs, ground cover, and other

plantings, must be designed and installed in a manner that does not impede, obstruct, or otherwise interfere with the operation and maintenance of drainage facilities. Detention facilities, including ponds, basins, and associated infrastructure, may encroach residential setbacks and buffer zones, provided they are designed and maintained in full compliance with the applicable Code of Ordinances and adhere to the landscaping requirements in this subsection.

- Outside Storage (accessory use) is hereby permitted and must be incidental and subordinate to the principal use, located on the same lot as the principal use, and shall be screened from adjoining properties and any public right-of-way. No Outside Storage (accessory use) shall be permitted within 50 feet from an adjacent residential land use.
- Auto facilities shall not have repair facilities or activities maintained or carried on outside of the building. No wrecked, junked, or otherwise unsightly vehicles are permitted to be stored or parked on the premises except while awaiting repair.
- Off-site parking is not permitted.

### **SECTION 3**

**THAT** all other ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent that they are in conflict.

### **SECTION 4**

**THAT** if any provisions of this ordinance shall be held void or unconstitutional, it is hereby provided that all other parts of the same which are not held void or unconstitutional shall remain in full force and effect.

**SECTION 5**

**THIS** ordinance will take effect upon the second and final reading in accordance with the provisions of the Charter of the City of New Braunfels.

**PASSED AND APPROVED:** First reading this 27<sup>th</sup> day of January 2025.

**PASSED AND APPROVED:** Second reading this 10<sup>th</sup> day of February 2025.

**CITY OF NEW BRAUNFELS**

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**NEAL LINNARTZ**, Mayor

**ATTEST:**

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**GAYLE WILKINSON**, City Secretary

**APPROVED AS TO FORM:**

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**VALERIA M. ACEVEDO**, City Attorney

166329

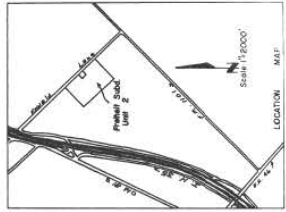
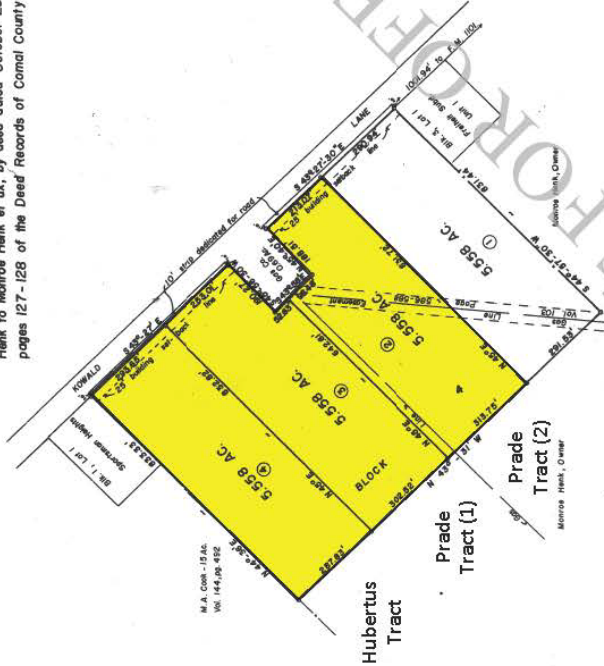
FILED FOR RECORD  
 this 27th day of Dec 19 54  
 by Geo. J. Glick M.  
Geo. J. Glick Clerk  
 County Court, Comal County  
 Equality

**FREIHEIT SUBDIVISION**

UNIT TWO

Being a subdivision of 22.473 acres of land out of the A. M. Esmauzer Survey subdivision 3, Comal County, Texas.

Being a partial subdivision of that certain 114.53 acre tract of land conveyed by Caroline Hentk to Monroe Hentk et ux, by deed dated October 25, 1949, and recorded in Volume 92, pages 127-128 of the Deed Records of Comal County, Texas.



STATE OF TEXAS:  
 COUNTY OF COMAL:  
 The owner of the land shown on this plat and whose name is subscribed hereto, and in person or through a duly authorized agent, acknowledged that this plat was made from an actual survey and dedicates to the use of the public FOREVER all streets, alleys, walks, water courses, drains, easements and public places thereon shown for the purposes and considerations therein expressed. There is also dedicated for utilities an aerial easement 5 feet on each side of all streets and easements, and remaining ground as required.  
 Monroe Hentk, Owner

STATE OF TEXAS:  
 COUNTY OF COMAL:  
 Before me, the undersigned authority, on this day personally appeared Monroe Hentk, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.  
 Given under my hand and seal of office this 16th day of February, A.D., 1978.  
 Notary Public, Comal County, Texas

STATE OF TEXAS:  
 COUNTY OF KENDALL:  
 I hereby certify that this plat is true and correct and was prepared from an actual survey of the property made under my supervision on the ground.  
 Dan B. Bunker, P.E.  
 Texas Reg. No. 22530

Sworn to and subscribed before me this 16th day of February, A.D., 1978.  
 Notary Public, Kendall County, Texas

THIS PLAT WAS APPROVED BY THE CITY PLANNING AND ZONING COMMISSION ON March 7, 1978 AND IS HEREBY APPROVED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS.

Done March 30, 1978  
 City Manager  
 City Secretary

Approved: W. R. Neff, Jr.  
 City Engineer  
 City of New Braunfels, Texas

STATE OF TEXAS:  
 COUNTY OF COMAL:  
 I, Neff S. Nuhn, County Clerk of said county, do hereby certify that the foregoing instruments of writing, with its certificate of authentication, was filed for record in my office on the 31st day of March, A.D., 1978, at 5:52 P.M., duly recorded in the 22nd day of March, A.D., 1978, in the Map and Plat Records of Comal County, Texas, in Volume 5, on page 224 in testimony whereof witness my hand and official seal of office this 22nd day of March, A.D., 1978.



Witness my hand and official seal of office this 22nd day of March, A.D., 1978.  
 Neff S. Nuhn, County Clerk

**FREIHEIT SUBDIVISION**

UNIT TWO

EXHIBIT "B"

